



City of Nevada City

October 13, 2009

TO: Planning Commission

FROM: Cindy Siegfried, City Planner

RE: **203 South Pine Street – Brad Croul, Owner and Jeff Gold, Architect**
Planning Commission Packet

Attached is the following information related to the Powell House application and our October 22, 2009 meeting:

1. Staff Report dated October 8, 2009
2. City Attorney Memo dated October 7, 2009

Submitted information from the applicant:


3. McProud and Associates memo dated October 9, 2009 providing a “design concept statement” and discussing the removal of the large Catalpa tree
4. Copies of revised site plan showing catalpa tree removal, handicapped parking space designation and plaque location on the shed
5. Preliminary lighting plan



City of Nevada City

October 8, 2009

TO: Planning Commission

FROM: Cindy Siegfried, City Planner 

RE: **203 South Pine Street – Brad Croul, Owner and Jeff Gold, Architect**
Architectural review application for interior and exterior remodeling and renovation of the Powell House. Project to include two, 1-bedroom apartments upstairs, commercial/retail space on the main floor, and two studio apartments on the lower floor. A shed structure is proposed along the southerly property line which will cover five of the proposed seven onsite parking spaces.

The property is zoned “GB-HD-SC” General Business, Historical District and within the Scenic Corridor. This zone allows residential uses in the “R1” and “R2” districts as permitted uses, and also allows retail and general commercial uses.

The site development standards of the General Business Zone are as follows:

Setbacks:	Front yard: None Side Yards: None if a corner lot except when abutting residential zones (which this does not) and then not less than 9 feet. Rear Yard: None
Height:	Maximum height is 40 feet
Parking:	Residential units require 2 spaces per unit Commercial: 8 spaces for first 1,000 sq ft of floor area and then 1 space for each 250 sq ft of floor area thereafter (See Parking Section below)
CEQA:	Exempt per Section 15301 Existing Facilities

The Planning Commission, at their meeting of October 1, 2009, heard a presentation by the owner about the project and continued the matter to the meeting of October 22, 2009.

The Commission made a Motion of Intent that the Commission has reviewed and approves the architectural review application for 203 South Pine Street as presented by Brad Croul, the owner, subject to working out the in-lieu payments. The Commission appointed a Committee of Chairman Sullivan and Commissioner Greg Wolters to review the in-lieu parking issue. The motion of intent was also subject to the final wording of the conditions of approval.

Parking

Staff worked with the owner and the Committee to review the parking configuration. The proposed result of that follows:

1. The site contains 7 parking spaces.
2. Parking space number 1, off of Spring Street, will be designated as an accessible space. This space will not be specifically designated but available for either commercial or residential use.
3. Parking spaces numbers 2 through 7 will be designated for the residential occupants.
4. The remaining required parking spaces total 12 spaces for the commercial use, of which the owner would pay an in-lieu parking fee of \$4,500 per space (total: \$54,000).

The Municipal Code (Section 17.112.050) states that “the payment of in-lieu parking fees herein shall be paid to the City prior to the issuance of a building permit, or prior to the occupancy permit at the Planning Commission’s discretion.”

Staff recommends that the Commission allow the in-lieu payments to be paid as follows:

- A. Prior to building permit issuance, the owner shall pay the City for four in-lieu parking spaces, totaling \$18,000.
- B. Prior to certificate of occupancy, the owner shall pay the City for the remaining 8 in-lieu parking spaces, totaling \$36,000.
- C. In the event the owner decides to utilize the proposed commercial use for two residential uses then the required parking would be 4 spaces, and those four spaces would have already been paid at the building permit issuance stage, and therefore no further payments would be due.

A copy of a memorandum from the City Attorney is attached which provides proposed findings for the Commission in reviewing the in-lieu parking issue.

Landscaping/Lighting Plans

The applicant has submitted a conceptual landscaping plan prepared by Josephine McProud. A lighting plan has also been submitted for the Commission’s review. **At the time of packet distribution, the plans were not ready, however a description of both plans are attached. The plans will be available no later than Monday, October 19th for your review prior to the meeting.** Also of note is the project will be subject to the newly adopted lighting standards that were approved as part of the recent Housing Element update. These standards are attached.

FINDINGS and PROPOSED CONDITIONS OF APPROVAL:

The Planning Commission should make the following findings if they vote to approve the project. Also listed below are the revised conditions of approval. All conditions shall be satisfied prior to Building Permit issuance, unless otherwise noted:

FINDINGS FOR MOTIONS

1. **Architectural Review.** That the Planning Commission finds the submitted site plan or as amended by the motion is consistent with the General Plan and the requirements of the Zoning Ordinance, specifically that:

- A. That the use is consistent with the General Plan and the Zoning Ordinance standards.
 - B. The proposed will not jeopardize, adversely effect, or be detrimental to the public health, safety, and welfare or to the surrounding property and residents.
2. ***Reduction in Parking Findings:*** The Planning Commission supports Section 17.080.030G.1 of the Municipal Code which allows a reduction in required parking for likely residential candidates such as studio apartments. The Commission finds that this project is such a candidate for a reduction in parking, pursuant to the findings contained in the City Attorney's memorandum dated October 7, 2009 and made a part of this approval.
3. ***In-Lieu Parking Payment.*** The Planning Commission approves the payment of up to 12 in-lieu parking spaces for this project, subject to the findings contained in the City Attorney's memorandum dated October 7, 2009 and made a part of the approval.

TENTATIVE CONDITIONS OF APPROVAL

City Planner / City Engineer:

1. The applicant is advised that this approval is based on the submitted plans dated August, 2009. The approval includes architectural review, in-lieu parking payments of up to 12 parking spaces, and tree removal. No building permits shall be issued to implement this conversion until the following have been submitted and all necessary approvals granted: (1) A landscape plan prepared by landscape architect including meeting all irrigation requirements, (2) a lighting plan, (3) approval and payment of any in-lieu parking fees at the time of building permit issuance and/or prior to Certificate of Occupancy.
2. Prior to issuance of a Certificate of Occupancy, the applicant shall submit a letter from a licensed landscape architect or licensed landscape contractor, certifying that the landscaping and irrigation system has been installed in accordance with the approved plan.
3. All landscaping shall be maintained in an attractive and well-kept condition.
4. Lighting shall be designed and constructed to minimize light glare or spill to neighboring properties and public streets, and be subject to the standards provided in Section 17.80.210 of the Municipal Code (and attached).
5. All signage for the property shall be approved by the Planning Commission by submitting a sign application.
6. No outside storage shall be permitted on the property.
7. A copy of the executed, recorded access easement between the two properties shall be submitted to and approved by the City Engineer.
8. As with prior approvals, the stained glass in the windows shall be preserved.
9. **In-Lieu Parking** The site contains 7 parking spaces. Parking space number 1, off of Spring Street, will be designated as an accessible space. This space will not be specifically designated but available for either commercial or residential use. Parking spaces numbers 2 through 7 will be designated for the residential occupants. The remaining required parking

spaces total 12 spaces for the commercial use, of which the owner would pay an in-lieu parking fee of \$4,500 per space (total: \$54,000).

10. In-Lieu Parking Payment. The Commission approves the in-lieu payments to be paid as follows:

- a. Prior to building permit issuance, the owner shall pay the City for four in-lieu parking spaces, totaling \$18,000.
- b. Prior to certificate of occupancy, the owner shall pay the City for the remaining 8 in-lieu parking spaces, totaling \$36,000.
- c. In the event the owner decides to utilize the proposed commercial use for two residential uses then the required parking would be 4 spaces, and those four spaces would have already been paid at the building permit issuance stage, and therefore no further payments would be due.

11. The applicant is advised that the project is subject to the provisions of the Municipal Code, including the following:

- a. As a condition of project occupancy and operation, project development must comply with all zoning standards, including development standards, unless otherwise noted by the conditions of approval.
- b. The approval will expire in two years, unless extended by the Planning Commission in one-year increments, up to a total of five years. In order to obtain an extension, the applicant must apply in writing prior to the expiration date of the approval.

12. A Planning Commission liaison committee, consisting of one or two Commissioners, shall be appointed to assist the applicant in approving any minor changes to the project. If the committee determines any changes are beyond their scope of authority, the matter shall be heard by the full Commission.

13. The applicant shall provide the City Planner with a “will-serve” letter from Waste Management showing their ability to serve the project.

14. The Commission recommended that the owner contact the Nevada County Historical Society to assist in preparing a plaque to commemorate the historical aspects of the invention of the Pelton Wheel on the property.

Director of Public Works:

1. Payment for the installed two-inch sprinkler connection needs to be paid prior to sprinkler system completion (approximately \$1,500.)

Fire Chief:

1. The applicant is advised that the project as conditioned is subject to the provisions of the Municipal Code, including the following:
 - a. Prior to the issuance of a building permit, the applicant shall coordinate with the Fire Compliance Officer to ascertain all fire protection requirements, including fire flow,

hydrant locations, sprinkler system, automatic smoke and/or heat detection fire alarm system, as may be deemed necessary by the Fire Chief.

- b. A complete set of site, utility, and building plans shall be submitted to the Fire Compliance Officer for approval, prior to construction or installation of the systems.
- c. Fire flow must be provided prior to any framing on the project.
- d. Prior to issuance of the certificate of occupancy, all fire protection requirements shall be inspected and approved by the Fire Compliance Officer. The inspection may require hydrant testing.

City Finance Director:

1. The applicant is advised that the project as conditioned is subject to the provisions of the Municipal Code, including the following:
 - a. Prior to commencing work, all contractors, vendors, and consultants providing services within the City limits of Nevada City must have a city business license.
 - b. Prior to issuance of building permits or as shall be allowed by law, all applicable City fees, including but not limited to AB1600 mitigation fees, shall be paid in full.

Attachments

EXHIBIT A-11
Outdoor Lighting

All new section

17.80.210 Outdoor Lighting Standards

New outdoor lighting on private property other than the site of a single family dwelling or duplex shall comply with the following requirements. All such lighting shall be limited to the minimum necessary for safety and security.

- A. An outdoor light fixture shall be limited to a maximum height of 14 feet of the height of the nearest building, whichever is less except adjacent to or within a residential area where the height shall be reduced to 8 feet. A fixture greater than 14 feet in height may be approved by the Planning Commission where it first determines that the additional height will provide lighting that still complies with all other requirements of this Section.
- B. Outdoor lighting shall utilize energy efficient (high pressure sodium, low pressure sodium, hard wired compact florescent, light emitting diodes (LED) or other lighting technology that is of equal or greater efficiency) fixture/lamps.
- C. Lighting fixtures shall be shielded or recessed to minimize light spill to adjoining properties by:
 - 1. Ensuring that the light source (e.g., bulb) is shielded and directed downward with no more than a 30 degree horizontal deflection from the light source.
 - 2. Confining glare and reflections within the boundaries of the site to the maximum extent feasible.

Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way. No on-site light source shall directly illuminate an area off the site.

- D. No lighting on private property shall produce an illumination level greater than one foot candle on any property within a residential zone, except on the site of the light source.
- E. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.

October 7, 2009

To: Cindy Siegfried, City Planner

From: Hal DeGraw, City Attorney



Re: In-lieu Parking Payments for 203 South Pine Street (Powell House)

Background: The architectural review application of Brad Croul, Owner, and Jeff Gold, Architect, proposes remodeling and reconstruction of the Powell House (APN 05-410-23) to include at least five residential units -- two one-bedroom 850 square foot apartments on the top floor and three 550 square foot studio apartments on the lower floor -- and 1900 square feet of commercial/retail space on the ground floor (which may be utilized as two residential apartments if a commercial tenant cannot be found). The property is within the City's historical district and due to size, shape and topography of the lot, it is not physically possible to provide more than seven off-street parking spaces on-site. Thus, staff has looked at utilizing the In-Lieu Parking Payments provisions in Chapter 17.112 of the Nevada City Municipal Code to fund adequate parking facilities meeting the Development Performance Standards of Chapter 17.80¹.

The general requirements for off-street parking are:

- two spaces for each residential dwelling unit, subject to reduction "...where a finding is made that the nature of the dwelling unit(s) is not likely to require two spaces per unit..." (§17.080.030.G.1) and
- eight spaces for the first one thousand square feet of gross floor area, plus one space for each 250 square feet thereafter, for retail (§17.080.030.G.7).

Minimum parking requirement calculations: Per Planning's calculations, the required parking for this project would be:

	<u>Max. Required</u>	<u>Reduced Max.</u>	<u>Alternate</u>
850 sq.ft. apartments upstairs (2)	2 x 2 = 4	4	4
550 sq.ft. studios downstairs (3)	3 x 2 = 6	3 x 1 = 3	3
1900 sq.ft. retail/commercial	8 + 4 = 12	12	
Alternate 950 sq.ft. dwelling units (2)			2 x 2 = 4
Total required spaces	22	19	11
Total spaces provide on-site	7	7	7
Deficit to be provided for	(15)	(12)	(4)

Findings required to reduce spaces required for studio apartments: "Studio apartments" are cited in the Code as "likely candidates" for reduced residential parking space requirements (§17.080.030.G.1). A finding such as the following would support a determination that one space per studio is adequate:

¹ Unless otherwise stated all statutory references herein are to the Nevada City Municipal Code.

REDUCTION FINDINGS: *It is determined on the facts of this application that the residential parking space requirements for the three 550 sq.ft. studio apartments downstairs may be reduced from two per unit to one per unit based upon the express finding that the nature of those units is not likely to require two spaces per unit, in that:*

- 1. "Studio apartments" are specifically recognized in the Code requirements as "likely candidates" for reduction of residential parking space requirements;*
- 2. Studio apartments of only 550 square feet in size are most likely to be occupied by a single occupant or occupants with a single car;*
- 3. Requiring only one parking space is consistent with the parking required of residential second dwelling units that are limited to 640 square feet for an attached unit; and*
- 4. The property is located close to downtown in the historical district where other off-site parking may be available.*

Findings required to approve in-lieu parking payments for all but seven required parking spaces:

The Code provisions relating to In-Lieu Parking Payments (Chapter 17.112) provide that an owner/developer wishing to pay in-lieu parking fees instead of providing the minimum off-street parking shall make a variance application. However, by a February 22, 1995 memorandum from then City Attorney Jim Anderson to then City Planner Andy Cassano Jim Anderson it was determined that the City Council had already made the necessary variance findings in adopting the In-Lieu Parking Payments ordinance so that "...there is no need for persons in the downtown area to request a variance." That memorandum went on to state that §17.112.080 still gives the City the option to determine whether or to what extent in-lieu payments are appropriate, though the type of process required is "unclear", suggesting that it could be handled like a sign permit or architectural review permit. In this case, I would recommend handling the in-lieu parking determinations as a part of the architectural review application, with the Planning Commission making the determination based upon the requisite findings, reporting the same to the City Council. In this regard, subsection B of §17.112.080 provides that:

"...the planning commission shall consider the following criteria:

1. The shape and size of the property to be improved;
2. The proposed use of the property;
3. Availability of parking in nearby areas;
4. Number of spaces required for the use under the city's parking ordinance."

A finding such as the following would support a determination that in-lieu parking payments shall be required for the required spaces in excess of seven that cannot be provided by private off-street parking on-site:

IN-LIEU PARKING PAYMENT FINDINGS: *It is determined on the facts of this application that a combination of providing seven off-street parking spaces on-site and making in-lieu payments for spaces required in excess of that pursuant to Chapter 17.112 of the Nevada City Municipal Code will provide adequate parking for the project as proposed based upon findings including the following:*

- 1. The property is within the historical district in which in-lieu payments may be approved;*

2. *The project involves reconstruction of an historic building of such size and location on the property as to accommodate no more than seven parking spaces on-site (including one handicapped space);*
3. *The proposed use of the property is appropriate to the area and a welcome addition;*
4. *There is public parking available in the nearby areas, including a public parking lot which is a candidate for improvement and expansion;*
5. *The ability of the property owner to acquire property for individual private off-street parking is problematic and the cost would be prohibitive;*
6. *Adequate parking is being provided on-site to accommodate all of the residential use on the top and bottom floors, leaving only the uses on the ground floor to be served by parking to be funded with the in-lieu parking payments.*

McProud and Associates, Landscape Architecture

13500 Cement Hill Road - Nevada City - CA - 95959

Phone / Fax (530) 265-6680

jmcproud@sbcglobal.net

Memo

To: Cindy Siegfried, City Planner, City of Nevada City

From: Josephine McProud

Date: 10/9/2009

Re: Powell House Landscape

Dear Cindy,

I have recently been retained by Brad Croul to provide landscape architectural services for the renovation of the Powell House on South Pine Street. It is my understanding that Planning Commission would like to review a Conceptual Landscape Plan at their next regular meeting on October 22nd. I plan to attend that meeting in order to present this plan to the Commission. In advance of that meeting and the plan submittal, I thought that it would be helpful for me to outline for you the proposed concepts and design strategies that I intend to incorporate into the landscape design. These concepts will include:

- **The retention of three large, existing trees (2 coast redwoods, 1 elm).**
These trees will be a primary feature of the landscape and will be protected from impacts or unnecessary intrusions. We will also retain and prune to shape a mature holly tree on the north side of the building.
- **The removal of one existing Catalpa tree and one multi-trunked Locust.** The Catalpa is of poor structural integrity and has a number of hollow cavities in the main trunk. We would propose to replace this tree with a specimen-size Dogwood tree. The Locust tree would be too close to the proposed carport and would be mitigated with the planting of a Sugar Maple on the other side of the carport, adjacent to South Pine

Street. The Sugar Maple would provide a striking focal point and an appropriate high-canopied street tree.

- **Four Dogwood trees would be planted to conform to the previous Conditions of Approval for this project.** We intend to respect this condition by planting two Dogwoods along the Pine Street frontage, one along the Spring Street frontage and one on the east side of the building.
- **Formalized shrub plantings around the building foundation and retaining walls.** The style of planting and choice of plant material would be historically appropriate to the vintage of the building.
- **Perennial color beds adjacent to the sidewalks on South Pine and Spring Streets.** These planting would provide seasonal color and interest while respecting an historical plant palette.

The forthcoming Conceptual Landscape Plan will provide further illustration of these concepts. Once the Plan is reviewed and approved by the Commission, I will commence with the preparation of a final Planting Plan and Irrigation Plan for the project. Please do not hesitate to contact me should you have questions or input. I look forward to working with you towards the successful completion of this project.

Sincerely,

Jo McProud